P.7-1900

G. R. S. IX-5]

1897-98

Previous references.

192 .

File No. 127-97

Serial Nos. 1-11

LR 54-83 (LR .)

Later references.

GENERAL AND REVENUE SECRETARIAT.

Appeal remanded Srinivasa Sastri

Serial Nos. 1-11

Part B for February 1901

SUBJECT.

Appeal of Seshappa, of Anagondanahalli, Hosakote Taluq, for the Service Inam lands attached to the Shanbhogue of Koramangala Agara Village, Bangalore Taluk

To,

The Deputy Commissioner, Bangalore District.

No. 6506. Dt. 25.2.01

P.7.7-1900

Dismisses Dismisses the appeal of the Appellant and

The parties may be asked to seek redress by means of a Civil Suit.

WD 2232-GPB—20,000—14-6-20

Pet^{r} no^{s} 1753 & 2485
1897-98

App^{t} & Plaint - Sivaraja
Annigowdanahalli
Hoskote Taluk

Respondent - Gopala

(1) The impugned matter of the
appeal is a the Agricultural Land
- fully asserted - attached to
the Hoskote Office of Honnamma
Agraram in the Bangalore
Taluk

(2) The asst Comm^{r} decreed that
the respondent - plaintiff Gopala
who is the appellant - defendant
shall have of Agraram was
entitled to 3/4 ths of the same
land & that he should be
placed in possession thereof.
The Dy Comm^{r} on appeal
has decreed the whole of
the "appellant land" to the
respondent plaintiff -

(3) It is important to
that the right to

Shanbhog office is not in
question now
Respondent's father Venkatramanayya
was admitted in 1879 on
being convicted of embezzlement
of Sampige (Capital Mint) Remedies
related to the original suit land
& the Shanbhogi was appointed
as Shanbhog. After a good
deal of litigation finally
December 1890 decided that
the respondent should be
registered as hereditary Shanbhog
but should be put on ~~the~~
probation for the office only
pending the result (General No 17 of year file)
on his father's death
In accordance with the
above order, respondent
was put on probation for
the office in 1892 but
appealed and refused to
hand with the service land
which he had been
enjoying for about 13 years.
Thereupon the respondent
brought a suit with the
present allegations stated

A new watan full-un, hereditary
of the service land

the shoreline

(4) The question in this case appears to be why the Dy Comm'r put the appellant in possession of the Native Land in 1879 if Pohipi settlement had been introduced in 1877- and not of the Lower Courts has given any information on this point- then the Dy Comm'r acted in violation of Sec 28 of the Pohipi Reg which allows the holder of the unsurveyed Native Land if the fully surveyed, to return ~~a subdivision~~ it- & Lowers Pohipi Settlement has not been introduced in 1879, then the Native Land formed part of the remuneration of the 4 was Native transferred to the appellant holder

* The latest [illegible] received in 1874 1875 & 1877

on the first hypothesis, the "official
land was wrongly transferred
to the appellant in 1879 & the present
order of the D'Commr would be correct
On the second hypothesis, it is not
easy to say whether appellant
can reclaim the "official land" under sec 28 of the Potipi Rules.
Before 1890, the appellant was
regarded as the lawful Shanbogue
& the potipi settlement took place
between 1879 - 1890
Under the mode of Valuation
adopted in ~~Rule I~~ Sec 1 of the Potipi
Rules, fully assessed Land is
no remuneration & unless the
Lands are Valuable, there would
no hardship in the plaintiff being
denied their possession
(5) The D'Commr argues that as
the title of the appellant to
the Lands arose out of his appointment
as Shanbogue, it ceased
when the appointment ceased.
Under such a theory, official
Land might be intimately
connected with the ancient
question as to mesne profits
& Compensation for improvements &c

(6) The case for the appellant would have been stronger had he been recognised hitherto as a heir-at-law to the Shantopi. But in the Sol order of 29/7/84 the appellant is characterised as "almost a stranger to the family" & in the Sol order of 9/12/90 (Sol no 17) he is referred to as "a very distant kinsman of the deceased Ganapathiraya"

× Sol no 9 of the pen file

× Subbamma

Sekaramappa

Narasappa — Soorappa

Subbamma

Ganapathirayappa

x a daughter married Venkatramappa

Gopalaiah
(respondent)

(7) The appellant prays for stay of execution of the Lds Comm's decree. The execution of the Lds Comm's order is stayed only where the order is prima facie wrong or involves peculiar hardship to the appellant

Sub. Bleazby

14/5/98.

This may be dealt with as Mr Eg. & Lord Watson suggests a good case for the stay applied for

14/5/98

Subd to Rev Comaller Lucker
D3

+ The records may be called for & the case posted for hearing. It has since been found that Potgi Settlement was introduced into the Bangalore taluk in 1879 — the same year in which the lands were transferred to the appellant

Sy 14/7/95

Copy

Since writing the above, I have seen decision in Appeal No. 108 of 1891-92 has been found to decide the point in dispute in this case. This case was decided by the Dewan & Mr Shentsal Rao. The decision does not appear to have been printed but the views expressed in para 4 were of course the views entertained by the Dewan & Income Tax Commissioner at the time. The decision dated 4/7/94 but the appellants have not acquiesced in the decision. JAA

Sy 23/3/95

Sy 3/9/95

Sy 5/9/95

8.9.95

Before the Government of Mysore.

Appeal No. 83 of 1897-98.

Appellant.	Vs.	Respondent.
Seenaiya		Gopalaiya.

Subject:- Dispute regarding service Inam lands attached to the office of Shanbhog of Kannuru Agrahara village, Bangalore Taluk.

Sec 28 } of the Rohpi Rules.
236 }

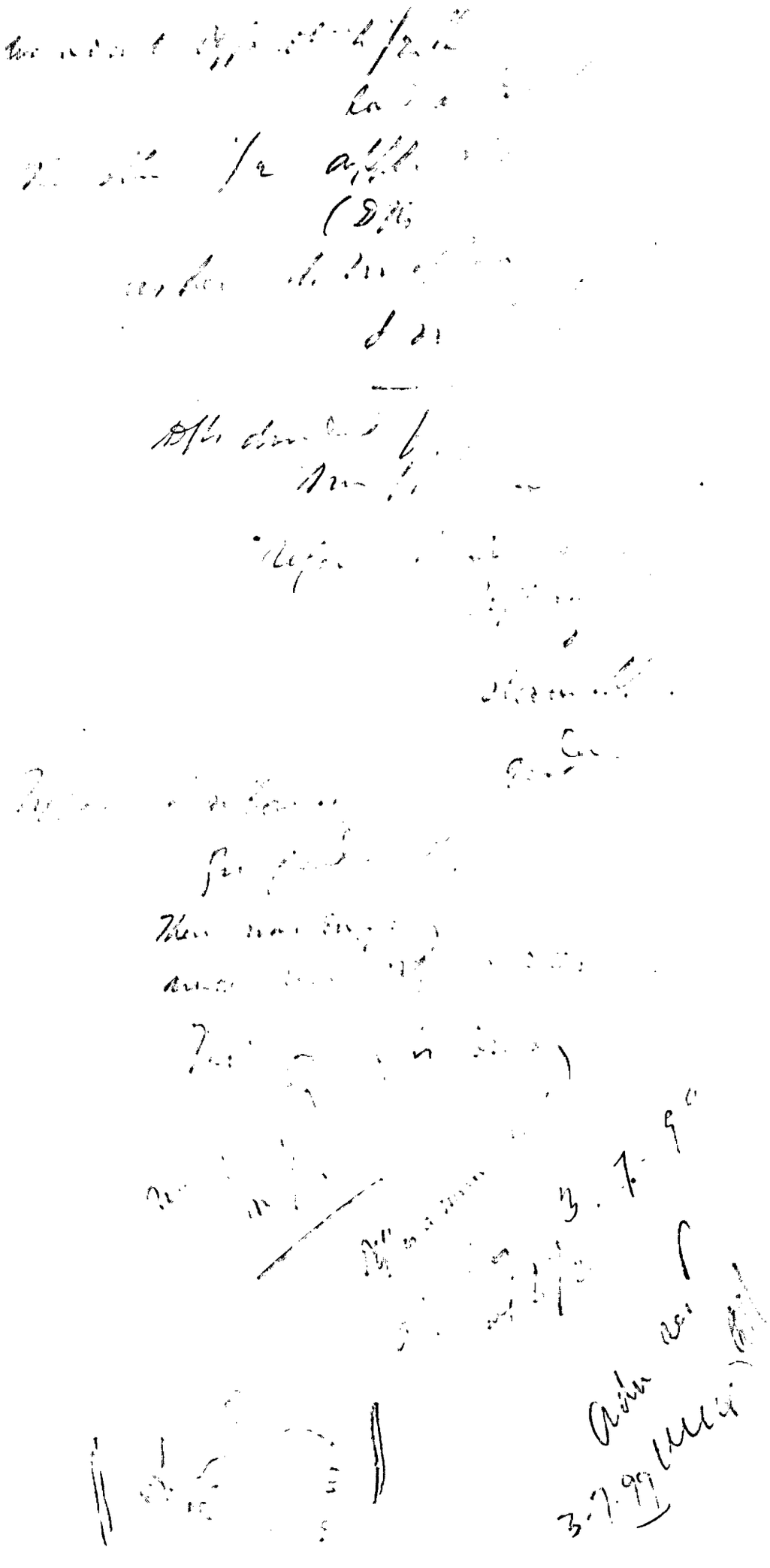
Posted to the 29th

Shp'd by 1st Committee

application from applt's brother

Reported for hearing on 3rd Jan'y 1899.

Perused by the Court



Before the Government of Mysore.

Appeal No. 83 of 97-98

Appellant.	Vs.	Respondent.
Sinappa		Gopalayya

Both served
29.3.98

Appt present
Subbanna, Brother of Applt applies for adjournment & applies for being represented by an advocate.
Applt being Shr, an advocate may be engaged
Adjourned to the 3rd July 1899.
29/3/99

Notices served 31/3/99.

Mr S. Subbaraya appears for Applt
Mr D. Venkatarangaya do - - Respt.

Sreenivasa & Sinappa's brother (Subbanna) present.
Gopalaya present.

appll's advocate — Suit is only for the lands.

Though the Dy Comr says in his proposed
that the suit is also for the Mesne profits between
Rent the suit is also for the Mesne profits have
been planted by me on the lands & I am in
paid since 1879 & end of Hewdambi
Before 1879 the respts & others were in
possn of the lands: Refers to order
of 31/7/79. by the Dy Comr for handing
over possn of lands: (But this order
is vague) cannot produce any
order by the Comr acting in
pursuance of the Dy Comr's order.
In 1882 the respts filed a suit for
the recovery of the lands but the
suit was dismissed. Appt's contention is
that the respts' predecessor in
Appll entitled to the lands. Refers
to Rule XXVIII of the Rules
(2nd Cn — You obtd possn simply as Mesne-holder
1st — Refers to para 5 of the Asst Comr's
I am an heir & say besides that as the
lands do not form part of the Kandyan
Counsel — The Appt says that I am no heir.

Dfdants.

appltt's advocate. — Refer to para 5 of the Judgment. Both Courts say that I am no heir (1st Cr. Was the question of heirship an issue in the case). No issue was raised in the original Court about the question of heirship. The pursuer admitted that I was assignee (1st Cr — Assignee in a vague term). The claim was pld. in 1894. & the cause of action arose in 1892. The pltff asks for damages of patta, of profits & for mesne profits for 2 years, for costs & for any other relief. I was appointed in 1879 & was in poss. of the land & office from 1879 to 92 (13 years).

1st Cr — In the Ard's court, the defr pleaded that the pltff was entitled to only 1/3 of the land but no specific issue was framed. The finding is that appltt is an heir but no specific issue was framed.

[Civil proceedings of 1882.
Repr pltff's father always had charge of patta & of profits took place by and when pltff's father was in jail. that during
on the ground that the lands were decree dative I maintained the defence since
& pltff. from money for & be paid by defr]

Do you (appltt) contend that a specific issue
as to heirship ought be framed? appltt — Yes: I am the heir

of Subbamma & Surappa. I am a Sharer as contemplated
in Arts XXVIII of the Pithapuram Rules. I agree & ½ the
Suit lands being made over to pltf & Respt (the applt &
his brother) as the same now is. My evidence as to
how this rests on the evidence of Thippamma & Ramaswami
I claim through Surappa.

Respt's advocate — [[1st Cr — Go home as to how this]

Before the Sub order of 1889 was passed,
a full enquiry was made as to
the relative claims of the parties & Govt
found that applt was not a near relative
of the original Inamdars:

[2nd Cr — There is no distinct prop: of law that
the lands go with the office. How can you
dislodge the poss: of when it has been
for more than 12 years?]

The civil Court held that lands
go with the office (1st Cr — But there
The question of limitation had not arisen)
The question of limitation does not arise
in this Case as there was no adverse
poss: prior 1879 - 1892 the dept being
Shamboga - Mercator

It was the plea of the defts in the civil suit that the lands so sold to Mrs. My client is a minor. The Applt appeals with respect to both the lands.

Applt

Ganpathania has many grandsons (daughters) & hence there is a non-joinder of parties in the 1st / 1st C.a — But there are not in possn of the Court — of the lands) But with respect to a (civil) suit by the Ag Commr.

---

(1) When was plff's father dismissed? In 1879. X

(2) When did defts obtain possn of the land? In 1879. X

(3) Ages of the parties

(4) Death of the plff's father February 1892.

(5) When was plff referred to a suit by the Ag Commr? & when did he

4/1/1893. applt? When was he put in possn of Mrs land? May 1892.

X Minutes dated not clear

Jud proceedings reserved

3/7/93.

Memo

The file contains only the papers relating to the suit filed by the Plaintiffs before the Asst Dy. Commrs for the recovery of the service Inam Lands in the possession of the defendant Seenappa. The papers relating to the dismissal of the Plffs' father Venkatanarasappa and the appointment of the Respondent and subsequently of the Plaintiff, and the latter's application to the Dy. C[o]. for restitution of the service Inam Lands &c, are not in the file. The Dy. Commr. of Bangalore has ~~been~~ addressed ~~for~~ the information wanted by the 1st Councillor is not forthcoming in the records of this file the Dy Commr of Bangalore has this day been written to to send up the other records connected with the case.

Subd. 1st Comr

6/7/88

P 70.

Box 6/7

× Please see my notes (the conclusion) on the 2nd facing sheet.

116 [illegible]

Any doubt in this
case is whether the pursuit
suit for possession of certain
lands which have been
fully opened and which
no longer form part
of the remuneration of
the Director is cognizable
by the Rev Ct - It is not
a suit falling under s 220
Land Revenue Code - It is
I think a suit falling
under s 222 of the said
Code which from the
Secretary's Diary of the
Objection ? It is a suit to set aside an order

221 ? 220 save
the provisions of the
Revenue Code

Jurd
221 Act

6/7/99

The suit is
for possession
for possession &/or
compensation in
the alternative

Sub Ct 1st Comr to dispose with a petn for costs of appeal

The question in this Case is whether
the suit filed by the plaintiff is
"a claim against Govt relating
to lands declared by Govt or any
Officer duly authorized in that behalf

to be held for any Service purpose
or falls within the classes
referred to in the 1st para of
clause (a) of Sec. 221 of the
L R Code.

(2) The above question involves
as a part, the question whether
the lands forming the subject
matter of the suit are
attached to the ~~Sub-Div~~ Sheristadar's office
of Avanashi, Bangalore
Taluk.

The lands in question were
exempted from the operation
of the Inam Settlement
under clause D of Rule
VIII of the Inam Rules and were
left to be dealt with by the
Survey & Settlement Dept.
under Rule XIX of the
Bombay Rules - framed by the
Settlement Comr with the approval
of the Chief Comr & Govt of India -

These lands appear to have been fully assessed. [illegible] power
3219-28 & 31/5/80 (P77 Rev
R 580
Manual) it has been held
"by Rule XXXVI (of
the Pohpi Rules) that (the land)
is supposed to be still held
on the condition of Service
though the man land no
longer constitutes the remuneration
for the office" Again in
Mis A/peal No 14 of 1897-98
(P124, Vol II of the Mysore
Chief Court Reports for 1897)
the Chief Court (Messrs
Ramachandrayya & Meenakshaiya) took the same
view.
That a contrary view would
be inconvenient if not in-
correct appears from the
fact that in the case
referred to in Rule XXIII of
the Pohpi Rules these service

a very
important
case
with [illegible]
AM
12/1/99

lands would not be fully
assessed and would therefore
have to be considered as
service inam lands and
that there would thus be
no uniform rule regarding
the tenure of these "official
lands" Moreover So no

10991-9 09/1/94 (copy put
R 1194
up) is an authority
for holding that an inam
does not lose its tenure of
inam merely because by being fully assessed

It thus appears that the
lands claimed by the plaintiff
in the revenue suit are
held on condition of service
though they no longer form
the remuneration of the
office as the lands can be held by any hereditary
here is no inconsistency
(3). The only remaining
question is whether the

Suit is a claim against Govt or involving the interests of Govt. Although the Suit appears on the face of it to fall under clause (b) of Sec 222 of the LR Code, the Suit involves the interests of Govt, and any decree by a Civil Court in the Suit cannot bind Govt. Moreover the Suit cannot be said to satisfy all the requirements of clause (b) of Sec 222 of the LR Code as the rights of the parties depend on the records of the Pokpi Settlement, which cannot be said to be included in "any Record of a Revenue Survey or Settlement or in any Village papers". It is only by a mere accident that the Rev Sur & Settlement Dept carries out the Pokpi Settlement also

12/7/55

as it involves the propriety of the D.C.'s order of 1877 transferring the lands & the dependants and as under Rule XXXVI the duty of seeing that the lands are held in the Kukdem family is thrown on the Govt upon Govt.

I am not quite prepared to dissent from the decision, because some of the facts in favour of a decision existed. The dispute is entirely factual, & I should agree with Rich. Bowen, agreeing that the Court has power to entertain an application such as this, & in respect of the suit land in 1879 and that such was not barred by time 12 years after the change started — Even apart from the question of limitation I should think, from the evidence, & on the original settlement case, that the proportion of the shares was to be determined on the ground that the suit land was some form or part of the remuneration of the officers under Rule 28 of the Rule Rules.

X.
appeal
dismissed
with costs

12. 7. 99

Please send
this to Registration
AM
14/7/99

Sent to 2nd Counsel
14/7/99

Rd back
13.7.99

The decision in the 1st appeal is annexed to the Memorandum in the file & the decision in the 2nd appeal is produced by the applt's counsel with his petn
S.S. 7/7/99

It is clear to my mind
that the suit falls within
the Revenue jurisdiction
of revenue Officers – The Pff
has brought the suit in respect
of an injury caused by
exclusion from Shanlopni
Office". The Plaint is very
clear on the point – The
exclusion from the Office
has ceased, but the injury
resulting from it still conte
nues. The suit for relief
in respect of such injury
is cognizable only by Revenue
Officers under clause (a) para 21
of (a) of sn 221 of the Revenue
Code – I do not think sn
222 applies at all.
Regarding the material
point in issue the questions
are when did the Pffs'
(appellant hereforth) possession
commence and did it
commence adversely.
If it is clear from the
record that such possession
commenced more than

12 years ago the Ruler was
whether the Off must be deemed
whose best his right title.
of such possession
The exact date is not however
ascertainable, and rent both
it must be ascertained whether
any of the proceedings which
were held in pursuance
of the Off's petitions had saved
the time from running against
him - It is best that both
these points are remitted
to the Lower Court for further
enquiry & finding - & proceed
accordingly -

15.7.99

1917

Sd/ J. St Connell Ag
18/7/99

11773

I can say I am not quite so clear, as my Brother
on the question of jurisdiction
Sec 11 is in derogation of the Act
& therefore is exceptional exclusion he
may sue on the Act for
injury caused by such exclusion
Even then the question of bodily
fact seems derogation of the Act
can alone be determined by Rev
Sch under para 2 of (a) of 1901 of 1 Code -
any damages sustained by reason of exclusion
must, in any event, form the subject of a
Civil action as a suit interpleader for damages for
is injury excluded from the benefit of Rev Sch
of 1901 of the Code -

J. VO.

On the merits of the case, as I am already I think the two grounds relied & set out from an in point and may be safely followed in disposing of the suit —

As touching the question of limitation due to the decision of the Privy Council in the case of [illegible] 31 July 1879. It is true there has been some time between the cause of action and the suit but the Defendant admits the suit is about any act done in the exercise of limitation I have no opinion —

18. 7. 99

Sub 2 to 2nd Comm'th
19/7/99
RD 6 Sm.
19.7.99

case
the Defendant is not
entitled to the
a reference to the Court
may send in a supplementary
decision of all the records
now referred
I have no objection
I would make an order
a reference to
have a settlement
when sent

Sub 2 1st Comm'th
19/9/99.

Sir —

I have certainly no objection to a reference being made to the Chief Court but in the present constitution of the Court I am not a member & as I have any reasons to suppose, is it expedient that I should be [illegible] for [illegible] arrangements [illegible]

Attorney General
Civil Secretary
Solicitor General
Registrar
Chief Court
Mr Justice Ameer Ali
Mr Justice Brereton
Mr Justice Woodroffe
Mr Justice Rampini
Mr Justice Mookerjee
Mr Justice Chitty
Mr Justice Gupta
Mr Justice Pratt
Mr Justice Geidt
Mr Justice Carnduff
Mr Justice Sale
Mr Justice Cuming
Mr Justice Beachcroft
Mr Justice Fletcher
Mr Justice Harington
Mr Justice Stephen
Mr Justice Ryves
Mr Justice Sharpe
Mr Justice Coxe
Mr Justice Bell
Mr Justice Hill
Mr Justice Bonnerjee
Mr Justice Banerjee
Mr Justice Chatterjee
Mr Justice Mitter
Mr Justice Ghose
Mr Justice Trevelyan
Mr Justice Macpherson
Mr Justice Wilkins
Mr Justice Norris
Mr Justice Prinsep
Mr Justice Wilson
Mr Justice Pigot
Mr Justice Phear
Mr Justice Couch
Mr Justice Jackson
Mr Justice Macpherson
Mr Justice Wilkins
Mr Justice Norris
Mr Justice Prinsep
Mr Justice Wilson
Mr Justice Pigot
Mr Justice Phear
Mr Justice Couch
Mr Justice Jackson

Civil Secretary
Solicitor General
Registrar
Chief Court
Mr Justice Ameer Ali
Mr Justice Brereton
Mr Justice Woodroffe
Mr Justice Rampini
Mr Justice Mookerjee
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Mr Justice Trevelyan
Mr Justice Macpherson
Mr Justice Wilkins
Mr Justice Norris
Mr Justice Prinsep
Mr Justice Wilson
Mr Justice Pigot
Mr Justice Phear
Mr Justice Couch
Mr Justice Jackson

Attorney General — 1
Civil Secretary — 1
Solicitor General — 1
Registrar — 1
Chief Court — 1
Mr Justice Ameer Ali — 1
Mr Justice Brereton — 1
Mr Justice Woodroffe — 1
Mr Justice Rampini — 1
Mr Justice Mookerjee — 1
Mr Justice Chitty — 1
Mr Justice Gupta — 1
Mr Justice Pratt — 1
Mr Justice Geidt — 1
Mr Justice Carnduff — 1
Mr Justice Sale — 1
Mr Justice Cuming — 1
Mr Justice Beachcroft — 1
Mr Justice Fletcher — 1
Mr Justice Harington — 1
Mr Justice Stephen — 1
Mr Justice Ryves — 1
Mr Justice Sharpe — 1
Mr Justice Coxe — 1
Mr Justice Bell — 1
Mr Justice Hill — 1
Mr Justice Bonnerjee — 1
Mr Justice Banerjee — 1
Mr Justice Chatterjee — 1
Mr Justice Mitter — 1
Mr Justice Ghose — 1
Mr Justice Trevelyan — 1
Mr Justice Macpherson — 1
Mr Justice Wilkins — 1
Mr Justice Norris — 1
Mr Justice Prinsep — 1
Mr Justice Wilson — 1
Mr Justice Pigot — 1
Mr Justice Phear — 1
Mr Justice Couch — 1
Mr Justice Jackson — 1

26.9.99

Councillors' Minutes

1st Councillor's minute

My doubt in this case is whether the present suit for possession of certain lands which have been fully assessed and which no longer form part of the remuneration of the officiator is cognizable by the Rev. Courts. It is not a suit falling under Sec. 221, L. R. Code. It is, I think, a suit falling under Sec 222

of

of the said Code. The
suit is for possession
of lands, for mesne
and for compensation &c
all of a Civil nature".

6.7.99 Jdg. J. R.A.J

1st Councillor's Minute

"The frame of the
suit is prima facie of
a Civil nature. The
dispute is inter partes
failing, I think, under
sec 222 of the L. R. Code.
However, Assuming
that the Revenue Courts
have jurisdiction to
interfere in a case

case like the present,
as defendant is in pos-
-session of the suit land
since 1879 and the suit
was not brought within
12 years, it is clearly
barred. Even apart
from the question of
limitation, I would
hold, following the
ruling of Govt in the
marginally noted case,
that the possession of
defendant should not
be disturbed on the
ground that the suit
land now forms no
part of the, communica-
of

* Appeal No. 108 of 1891
& No. 166 of 1891
(These are just up at the end
of the month)

of the officiater under
Rule 28 of the Ratij Rule."

Sd. J. R. A. Chambrecheby
19.7.99.

2nd Councillor's minute

"It is clear to my mind that the suit falls within the jurisdiction of Revenue officers. The plaintiff has brought the suit, 'in respect of an injury caused by exclusion from Shanbhogi office'. The plaint is very clear on the point. The exclusion from the office has ceased, but the injury resulting from it still continues.

The

the suit for relief in
respect of such injury
is cognizable only by
Revenue officers under
para 2, clause (a) of
sec. 221 of the Revenue
Code. I do not think
sec 222 applies at all.

Regarding the material
point in issue the
questions are :—
When did the respondents
(appellant before Govt.)
possession commence
and did it commence
adversely ? If it is clear
from the record that
such

such possession com-

-menced more than

12 years before the suit,

the plaintiff must be

deemed to have lost

his right to sue. The

exact date of such

possession is not however,

ascertainable, and

next to it, it must be

ascertained whether

any of the proceedings

which were held in

pursuance of the

plaintiffs petitions

saved the time from

running against him.

It

It is best that both these points are remitted to the Lower Court for further enquiry and finding; and I propose accordingly."

Dy. P. R. K.
15. 7. 99.

I am sorry I am not quite so clear as my colleague on the question of jurisdiction. Plaintiff is in possession of the office. If there is wrongful <u>exclusion</u> he may sue

are in the Revenue
Courts for injury caused
~~from~~ by such exclusion.
Even then, the question
of title and title to
recover possession of the
office can alone be
determined by Revenue
Courts under para 2,
Clause (a), Sec. 221 I.T. Act.
Any damages sustained
by reason of exclusion
must, in my opinion,
form the subject of a
civil action as a suit
inter partes for damages
is expressly excluded
from the jurisdiction

of

of Revenue Courts by
sec. 222 of the Code.

On the merits of the
case, as I have already
stated, I think the
two persons nakups
of Govt quoted by me
are in point, and may
be safely followed in
disposing of the suit.

If, however, the
question of limitation
has to be decided, we
have materials for
doing so. The date
of the suit is 24th Sept.
-tember 1894. Mr. Ag. Govt

by Court, Mr. Richetts order
appointing Sinappa is
dated 31.7.77, so that
there has been more than
12 years' possession of
the suit land on the
part of defendant.
If my colleague still
wishes to remand the
suit to elicit any
additional information
bearing on the question
of limitation. I have
no objection.

Sd. D. R. A. Thambiah Esq
18.7.99.

The case is so

so important that
a reference to the Chief
Court may end in
a satisfactory decision
of all the points now
appearing doubtful.
If the 1st Councillor has
no objection, we may,
I think, make such a
reference. x x
x x x x"

J.J. P. H. K.
4. 9. 99

I have certainly no
objection to a reference
being made to the

the Chief Court, but in the present constitution of the Court, not a member of which has any revenue experience, is it expedient to do so? Why not also refer to Dewan who, with his legal attainments combined with long Revenue Experience will be able to judge correctly? x x x."

Sd. J. R. A. J.

6. 9. 99.

—

All right. I submit to the views of the Senior Councillor. The case may be submitted to the Durbar.

29. P. N. K.

26. 9. 99

4

Case No. 1410 4

As this has come back from Khan Sahib, I am [illegible] it [illegible] to [illegible] I [illegible] it [illegible] a reference by mistake, in which case the Peon should draw up a clean document stating the case to the Court & the Khan Sahib's answer in reply

2. 5. 00

Subject Registered
31. 8. 00

Rd. 6.45 PM
31. VIII. 00

Memorandum
as noted herein
above
Illegible
2. 5. IX. 00

Read
6 P.M.
7/9 Illegible
7/9 Illegible
Illegible
10/9/00
Illegible
11/9/00

There was a difference of opinion between the Councillor who heard the case - there was no defence & factual objection should the Court Advocate be asked to appear in the name of the Crown

Received 18/1/01

19-1-01

16263

The opinion of the Chief Legislative Draftsman & the Committee of Councillors [illegible] Committee [illegible] Legislative [illegible]

20/1/01

[illegible]

To Legislative Draftsman

Return from Legislative Draftsman

21-1-01

Draft & Pleas 30/1/01

Draft [illegible] 30/1/01

Chief Secretary

21-1-01

Rd 24.1.01

Chief Secretary

Works Department

Is there any objection to the Public Works Department [illegible] Chief Secretary's Office [illegible]

24.1.01

Before the Government of Mysore.

Appeal No. 29 of 00-01

Appellant.	Vs.	Respondent.
Narasappa of Anugondanahally Hoskote Taluq.		Gopalaiya of Hora-mavoo & Agaram Village, Bangalore Dy.

Claiming Court Costs incurred by him in Appeal No. 83 of 97-98 from the Respondent.

Posted for hearing on 1-11-01.

Adjd. to 11th December 01.

R² 10/12/01
1189

Issue Contempt
& the Corrected
& the Chief Court
Enquiring
1 Reply 89.

Appellant Narasappa by
Mr. T. Venkata Rao
Respondent Gopaiya in
person.

The appellant is an old
aged lunatic the case ~~should~~
be also. Appeal allowed
1 Dec 01.

Central Jail Press, Bangalore,—7-7-99.—302.

Memo

Petition No 1755 of 1897-98
A.S. 83

Appellant # Respondents

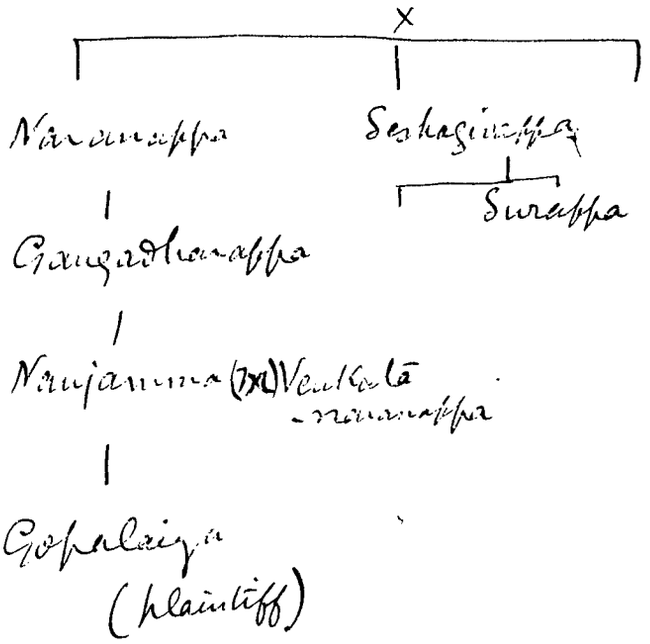
Somappa (Orig. Defdt.) Sopalaiya (Orig. Pltff.)

Subject:

This is an appeal against the order of the Dy. Comr Bangalore dismissing that the Respdts Plaintiffs, should be put in possession of the Service Inam lands attached to the Shanbhogi office of Horamavu, Agaram village Bangalore Taluk.

The facts of the case are as follows:-

Gangadharappa, maternal grandfather of the plaintiff and Surappa, a cousin of Gangadharappa, were joint hereditary to the Shanbhogi office in question, the former being the officiating. In 1861 Gangadharappa was dismissed and Surappa appointed in his stead as there had been frequent complaints from Surappa that his share of the Shanbhogi emoluments was not



not paid to him. In 1866
Swappa was in his
turn dismissed on being
convicted of embezzle-
-ment, and one Venkata-
ramanappa, who was a
member of the Nakkan
family as well as son-
-in-law of Gangathamma
was appointed Shanbhog.

2. In 1879 Venkata-
-ramanappa was convicted
of embezzlement and
dismissed the service
and the defendant Singappa
was, by the Dy. Comr's order
dated 31. 7. '79, appointed

appointed to the Shanklingi
office. In virtue of the
Dy. Com^rs order, the defendant
appears to have been put in
possession of the Service
inam land. The exact
date is not clear, but the fact of
the latter standing in
the defendants' name for
the year 1879-'80, shews
that the land must have
come into his possession
not later than 31^st March
1880.

8. Soon after the
hearing of Cont Pro:
dated 9-5-81 (page 272
Revenue Manual) laying

laying down, regarding
shambhog, the rule of
suspension for a term
for ordinary cases of mis-
conduct; Venkataramanappa
and afterwards the plaintiff
(his son) petitioned the
Govt for revision of the
order of dismissal, and
for recognition of the hak
of the latter. In their
decision, of 15-12-90,
the Govt finally ordered
that the plaintiff should
be registered as hakdar
shambhog, but should
be put in possession

of

of the office only on the death of his father. Nothing was said in the decision regarding the service man land attached to the office.

4. In accordance with the above decision of Govt the plaintiff became the officiator shandhoj in 1892 when his father died. The defendant, who vacated the office refused to make over the service man land to the plaintiff, who on complaining of it to the Dy. Comr was

was referred to a regular
suit.

5. In September/94
the plaintiff brought a
suit for the recovery of
the service inam lands
and of the mesne profits
valued at Rs 80/- for
the two years from 1892.
The defendant pleaded
(i) that the Revenue Courts
had no jurisdiction in
this matter as the lands
in question had been
fully assessed at the
Potipi Settlement; (ii)
that the suit was
barred, as he had been

been in possession of
the lands for about
16 years, (iii) that under
Rule 28 of the Potēgi
Rules his possession
of the lands could not
be interfered with as
he was a hissedar
(iv) that as the Govt.
Accounts shewed that
Gangadharappa was
at best entitled only to
1/3 share in the Shan-
-bhogi hak, the plaintiff
who claimed through
the former was in any
case not entitled to
more than 1/3 of the

the land in question;
(V) that if, however,
the land should be
decreed to the office holder
he should be compen-
-sated for the improve-
-ments effected by him
during his incumbency
of the office and (VI)
that the valuation of
the mesne profits was
excessive.

6. The Govt. Asste
Court held that as the
mere fact that full
assessment was levied
on the land did not
amount to confiscation

enfranchisement, claims
regarding, such were
cognizable only by the
Revenue Courts, and that
as the possession was
not adverse the suit
was not barred. He
further found that the
plaintiff possessed
3/4 share in the Sham
-bhogi land and decreed
to him 3/4 of the Service
inam lands. Regarding
the mesne profits claimed
by the plaintiff and the
compensation for im-
-provements claimed by
the defendant the Lord
Assistant Commissioner directed that

that the two questions
should be dealt with
during the execution of
the decree:

7. Both the ~~petitioner~~ parties
appealed against the
above decree to the
Hy Court. The latter (Mr.
Venkatasubbiah) holding
that the land belonged
to the office holder for
the time being, and that
the defendant's title to
the land was extinguish-
-ed along with his dis-
-possession from office,
decreed the entire suit
land to the plaintiff.

Hon'ble

Nothing was said in the Ky. Court's Judgment or decree about the mesne profits or the Compensation for improvements.

8. The defendant preferred a second appeal to Govt and urged the same grounds as those urged in the lower Courts. The appeal was heard on 3/7/99 by the 1st & 2nd Councillors Mr Bhupinder who, after an interchange of the views recorded in accompanying minutes, have resolved to refer the case to the Divan.

The

The following appear to me the points on which there appears to be difference of opinion:

(1) Whether the suit is one cognizable by Revenue Courts, or, in other words, whether the suit falls under Sec. 221 (a) of the Land Revenue Code.

(2) Whether, apart from the question of limitation the defendants' possession cannot be disturbed under Rule 28 of the Patagi Rules.

In a Bombay case (8 129, Bom. I.L.R) the High Court considered that "there may be

a question whether the claims excluded by Act-X of 1876 (chap xiv of the Mysore LR code) are limited to claims against Govt" but does not decide the matter as the case was one that could be disposed of on other grounds.

12/10/09.

Suit to be dismissed

14-10-09

Plaint Statement

Appeal No 38 of 1897-98.

Appellant
Secretary
(original Deft)

Respondent
Gopalan
(original Plff)

Subject:-

This is an appeal against the order of the Dy: Collector Bangalore District directing that the Respondent plaintiff, should be put in possession of the Service Inam lands attached to the Shanbag's office of Nagamangala Agrahara village, Bangalore taluk.

The facts of the case are as follows:-

Ganga Shanbhoga maternal grandfather of the plaintiff and Sarasha, a cousin of Ganga Shanbhoga, were joint holders to the Shanbag's office in question the former being the

Nanasha | Seshagirisha
Ganga Shanbhoga | Sarasha
Ranganna
Venkatanarasaiah
Gopalan
(Plaintiff)

officiation. In 1861, Ayanja-
dharappa was dismissed
and Sunappa appointed
in his stead as there had
been frequent complaints
from Durappa that his
share of the Shanbhag's
Emoluments was not
paid to him. In 1866
Sunappa was in his turn
dismissed on being
convicted of embezzlement,
and one Venkatanarappa
who was a member of the
Kulkarni family as well
as son-in-law of Sunjathanappa
was appointed as Shanbhag.

2. In 1879 Venkatanarappa
was convicted of embezzlement
and dismissed the service
and the defendant Sinappa
was, by the Deputy Commr's
Order dated 31-7-79,

appointed to the Chamber's Office. In virtue of the Ry. Commissioner's order, the defendant appears to have been put in possession of the disputed land. The exact date is not clear, but the fact of the matter standing in the defendant's name for the year 1879-80, shows that the land must have come into his possession not later than 31st March 1880.

3. Soon after the passing of Govt. Proceeding, dated 9-5-81 (page 272 Revenue Manual) laying down, regarding Chamberlains. The rule of suspension for a term for ordinary case of misconduct, Chamberlain was and afterwards the plaintiff (his son) petitioned

the Government for revision of the order of dismissal, and for recognition of the title of the latter. In their decision, dated 15-12-90, the Govt finally ordered that the plaintiff should be registered as holder of Chanbeag, but should be put in possession of the office only on the death of his father. Nothing was said in the decision regarding the Service Grant lands attached to the Office.

4. In accordance with the above decision of Govt, the plaintiff became the officiator of Chanbeag in 1892 when his father died. The defendant who

who vacated the office

refused to make over the
Service inam lands to
the plaintiff who, on
complaining of it to the
Dy. Commissioner, was
referred to a regular
Suit.

5. In September 94, the
plaintiff brought a suit
for the recovery of the Service
inam lands and of the
mesne profits valued at
Rs. 80/- for the two years
prior to 1892. The defendant
pleaded (i) that the Revenue
Courts had no jurisdiction
in this matter as the
lands in question had
been fully assessed at
the Original Settlement,
(ii) that the suit was
barred, as he had been
in possession of the lands
for about 16 years, (iii)
that

that under Rule 23 of the Patiyi Rules, his possession of the lands would not be interfered with as he was a hereditary, (iv) that as the Government accepted that Gangaharaiya was at least entitled only to ¼ share in the Thandaiyi land, the plaintiff who claimed through the former, was in any case not entitled to more than ¼ of the lands in question, (v) that if, however, the lands should be decreed to the office-holder, he should be compensated for the improvements effected by him during his incumbency of the office, and (vi) that the valuation of the mesne profits was

Executive,

6. The Agent Govt held that as the mere fact that full assessment was levied on the lands did not amount to enfranchisement, claims regarding such were cognizable only by the Revenue Courts, and that as the possession was not adverse, the suit was not barred, the further found that the plaintiff possessed 3/4 share in the immovable & hals and decreed to him 3/4 of the Service Inam lands. Regarding the mesne profits claimed by the plaintiff and the compensation for improvements claimed by the defendant, the

General Agt. Commissioners'
directed that the two questions
should be dealt with during
the Execution of the decree.
7. Both the parties appealed
against the above decree
to the Deputy Commissioners'.
The latter (viz. Venkatarangaya)
holding that the lands
belong to the office holder
for the time being, and that
the dependents' title to the
lands was extinguished
along with his dispossession
from office, decreed the
entire service lands to
the plaintiffs. Nothing was
said in the dy Commrs
judgment & decree
about the mesne profits
or the compensation for
improvements
8. The defendant-Seraphin
having appealed to Jnl
against the Dy Comrs
decree, the Jnl resolved

to refer, under Sec^n 226 of the LR Code, the following questions for the decision of the Civil Court

(1). Is the suit in this case cognizable by Revenue Courts? or in other words does the suit fall within the purview of Sec^n 221 (2) of the LR Code and more especially of the clause relating to "claims in respect of any injury caused by exclusion from hereditary office or service"?

(2) If the above question is answered in the affirmative, is the defendant entitled to retain the suit Land under Rule 28 of the Police Rules?

(3). Is the suit barred by reason of the

10.

defendants' possession of
the Land for more than
12 years and apart from
the operation of Rule
28 of the Order Rules?

19/9/50

WWS
13.IX.50

Subt

(1) The appeal is on 10 Rs stamp paper

(2) Order appealed against is dated 3rd Nov. 1897

(3) Orders are prayed for by appellant to suspend execution of the decree of the lower Court.

MR
11/1/98

Deft should produce the Judgment & decree

MR 13/1/98

Subpch P.

Boo 585 95

1-98

Hrb for Secrets init a note

MR 27/5/98

Hrb 2 & Rev Comm Esther Sr (as directed by Hrb 1)

MR 14/5/98

189 8 (2)

No. 175 of M. No. 83 97-98

Name of Petitioner Seeniappa

Village Annasandrapalya

Taluk Hosakote

District Bangalore

Date of Arzi 5-1-98

Date of Receipt 6-1-98

Date of Disposal

No. of Enclosure Three

ABSTRACT

S. Appeal against the judgment and decree of the Asst Commr of Bangalore in Res: Appeal Nos: 5 & 6 of 97-98 — The grounds of appeal are as follows:—

(1) That the contention in this appeal for establishing the claim of the appellant for the service Inam land but not for the Shanbhoga Hak of as held by Subbam

(2) That the Asst Commr has overlooked the fact that Ramyabhaiaya the maternal grandfather of the appellant was

for 1/3 share of the Shanbhoge and the service Inam lands attached thereto, and the remaining 2/3 share of the office kark, and the Inam lands attached thereto devolved upon Subbanna & Swappa sons of a cousin of Sangadharayya and Ramalingayya son of another cousin of the said Sangadharayya as can be seen from the Register of village servants-

(3) That on the death of Rama-lingappa, 1/3 share, without issue, his share was divided between the remaining [illegible] viz Sangappa Ramappa & Swappa & Subanna each getting one half of the kark in the office as well as the lands - & that though the office was held by one man the enjoyment of the Inam lands according to law right of vested in both families, which the Plaintiff has not taken into consideration -

(4) That the plaintiff in this appeal being the grandson of the deceased Sangadharayya by his daughter cannot be entitled to recover possession

2

possession of the 2/3 share
of said land enjoyed by
Subbanna Nayaga legally
entitled to the appellant is
appointed to discharge the
duties of a Sarvadhikari and
that as defendant is the
cousin of Subbanna Nayaka
he will be entitled only to his
legal share according to
law when they cease to hold
office

(5) That the defendant did
not raise substantial plea as to
the nature of the claims
set forth by the defendant
that he was entitled to a
moiety of hak as a cousin
of Subbanna & Sunappa
but decided in favour
of the defendant as a
son of the sister of Subbanna's
wife -

(6) That on the death of Subbanna
his brother Sunaka enjoyed the 1/2 share
as the legal claimant,
that on the death of Sunapa
Rajapanna wife of Sunapa
- Nayaka

and Ramabai wife of
Subanna have, before
the Asstt Commr of Sangolem,
acknowledged the defendant
as a cousin of the deceased
Subanna & Surapa on
5-11-1866 and therefore entitled
to their share as can be
produced from Exhibit marked
5 in the records, and that
as no issues were framed
in this case by the Asstt Commr
the required evidence was
not given -

(7) That the office of Shanbhog
came to the hands of the defendant
in 1879 when Venkatarapa
the father of the plaintiff was
convicted - that as per Potagi
system then prevailed the
defendant was enjoying all
the Inam lands in return
for the services he rendered
as a Shanbhog - and that
under the recent orders
Shanbhogs get remuneration -

(8) That Sections 27 & 28 of
Potagi Rules state, that lands
attached to village offices
should not be Conceded.

considered as Involuntary
to the said appellants since
they are separately sued
for services rendered by
them but may be relinquished
at their pleasure and that
Sharers in whose possession
and Enjoyment such lands
may remain may be allowed
to do so without contributing
the proceeds of the
appeal suit No 1166 of 1891
marked as Ex 4 in the record.

(9) That the record of the
Lower Court granting the 1/16
Share of the mandate in favour
of the defendant is erroneous
as the granting of the defendant
1/2 Share in favour of the
plaintiff would be

(10) That the Lower Court has
overlooked Clause B para
5 of Clause 5 of Sect 45 of
the Mysore Land
Revenue Rules as it
does not appear the case
of the defendant being
a defaulter contrary to
deceased Kraffa

(11) That the plaintiff is not the only claimant for the disputed share, but that there are persons having a similar right being the grandsons of Jaggadhamba from his other daughters

(12) That the plaintiff should have sued in a civil court as Revenue Courts have no jurisdiction in suits relating to lands paying full assessment

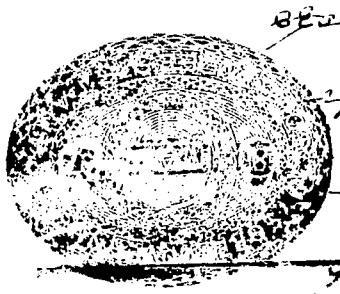
(13) That it is erroneous to have entertained this suit in the face of the former Sy Commr's order No: 710 of 31-12-1893, which directed that the redress might be sought for in a Civil Court

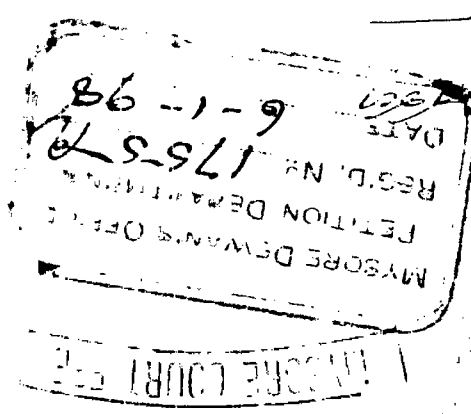
The former order

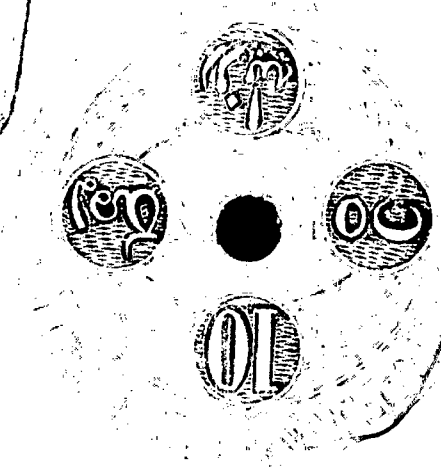
(14) Prays that permission may be granted to the plaintiff to represent him by a Counsel Lawyer as the facts in this case are to be argued at great length and that order may be issued to suspend the execution of the decree of the Lower Court till disposal of this appeal -

The Sy Commr's endorsement referring to return copy of the lower Court order is also submitted.

6/11/98




MYSORE DEWANY OFFICE
PETITION DEMANDING
REG.D. No 1757
DATE
6-1-98



ਸਾਰੇ ਜੀ ਨਾਲ ਸਾਰੇ ਜੀ ਨਾਲ ਸਾਰੇ ਜੀ ਨਾਲ

ಕಾಲ್ಪನಿಕ ಕಥೆಗಳಲ್ಲಿ ಮಾತ್ರ ಕಾಣಸಿಗುವ ಪಾತ್ರಗಳನ್ನು ಸೃಷ್ಟಿಸಿ ಅವುಗಳ ಮೂಲಕ ಮಕ್ಕಳಿಗೆ ಸಂದೇಶ ನೀಡುವ ಕಥೆಗಳು ಸಾಕಷ್ಟಿವೆ. ಅಂತಹ ಕಥೆಗಳಲ್ಲಿ ಪಾತ್ರಗಳು ಮಾತನಾಡುವುದು, ಹಾಡುವುದು, ಕುಣಿಯುವುದು ಮಾಮೂಲಿ. ಆದರೆ ಈ ಕಥೆಯಲ್ಲಿ ಬರುವ ಪಾತ್ರಗಳು ಮಾತ್ರ ಅಪರೂಪದವು. ಅವು ಮಾತನಾಡುವುದಿಲ್ಲ, ಹಾಡುವುದಿಲ್ಲ, ಕುಣಿಯುವುದಿಲ್ಲ. ಆದರೆ ಅವು ಮಾಡುವ ಕೆಲಸ ಮಾತ್ರ ಅಸಾಧಾರಣವಾದುದು. ಅವು ಮಾಡುವ ಕೆಲಸದಿಂದಾಗಿ ಅವು ಮಕ್ಕಳ ಮನಸ್ಸಿನಲ್ಲಿ ಶಾಶ್ವತವಾಗಿ ಉಳಿಯುತ್ತವೆ. ಅವು ಯಾವುವು ಎಂಬುದನ್ನು ಈಗ ನೋಡೋಣ.

ಒಂದು ಊರಿನಲ್ಲಿ ಒಬ್ಬ ಬಡ ರೈತನಿದ್ದ. ಅವನಿಗೆ ಒಬ್ಬ ಮಗನಿದ್ದ. ಅವನ ಹೆಸರು ಮಂಜು. ಮಂಜು ಬಹಳ ಚುರುಕಾದ ಹುಡುಗ. ಅವನಿಗೆ ಓದುವುದೆಂದರೆ ಬಹಳ ಇಷ್ಟ. ಅವನ ತಂದೆಗೆ ಅವನನ್ನು ಓದಿಸಲು ಆಸೆ ಇತ್ತು. ಆದರೆ ಅವರಿಗೆ ಹಣದ ಕೊರತೆ ಇತ್ತು. ಆದ್ದರಿಂದ ಮಂಜು ಶಾಲೆಗೆ ಹೋಗಲಿಲ್ಲ. ಅವನು ತಂದೆಯೊಂದಿಗೆ ಹೊಲದಲ್ಲಿ ಕೆಲಸ ಮಾಡುತ್ತಿದ್ದ.

ಒಂದು ದಿನ ಮಂಜು ಹೊಲದಲ್ಲಿ ಕೆಲಸ ಮಾಡುತ್ತಿರುವಾಗ ಒಂದು ಪುಸ್ತಕ ಸಿಕ್ಕಿತು. ಅದು ಒಂದು ಮಾಂತ್ರಿಕ ಪುಸ್ತಕವಾಗಿತ್ತು. ಅದರಲ್ಲಿ ಅನೇಕ ಚಿತ್ರಗಳಿದ್ದವು. ಆ ಚಿತ್ರಗಳಲ್ಲಿ ಪ್ರಾಣಿಗಳು, ಪಕ್ಷಿಗಳು, ಮರಗಳು, ಹೂವುಗಳು ಇದ್ದವು. ಆದರೆ ಅವುಗಳಲ್ಲಿ ಯಾವುದೂ ಮಾತನಾಡುತ್ತಿರಲಿಲ್ಲ, ಹಾಡುತ್ತಿರಲಿಲ್ಲ, ಕುಣಿಯುತ್ತಿರಲಿಲ್ಲ. ಆದರೆ ಅವು ಮಾಡುವ ಕೆಲಸ ಮಾತ್ರ ಅಸಾಧಾರಣವಾದುದು.

ಮಂಜು ಆ ಪುಸ್ತಕವನ್ನು ತೆಗೆದುಕೊಂಡು ಮನೆಗೆ ಹೋದ. ಅವನು ಆ ಪುಸ್ತಕವನ್ನು ಓದಲು ಪ್ರಾರಂಭಿಸಿದ. ಅವನು ಓದಿದಂತೆಲ್ಲಾ ಅವನಿಗೆ ಆಶ್ಚರ್ಯವಾಗುತ್ತಿತ್ತು. ಆ ಪುಸ್ತಕದಲ್ಲಿ ಬರುವ ಪಾತ್ರಗಳು ಮಾತನಾಡುವುದಿಲ್ಲ, ಹಾಡುವುದಿಲ್ಲ, ಕುಣಿಯುವುದಿಲ್ಲ. ಆದರೆ ಅವು ಮಾಡುವ ಕೆಲಸ ಮಾತ್ರ ಅಸಾಧಾರಣವಾದುದು.

ಮಂಜು ಆ ಪುಸ್ತಕವನ್ನು ಓದಿ ಮುಗಿಸಿದ. ಅವನು ಆ ಪುಸ್ತಕವನ್ನು ಮುಚ್ಚಿಟ್ಟ. ಅವನು ಆ ಪುಸ್ತಕವನ್ನು ಮತ್ತೆ ಓದಲು ಪ್ರಾರಂಭಿಸಿದ. ಅವನು ಓದಿದಂತೆಲ್ಲಾ ಅವನಿಗೆ ಆಶ್ಚರ್ಯವಾಗುತ್ತಿತ್ತು. ಆ ಪುಸ್ತಕದಲ್ಲಿ ಬರುವ ಪಾತ್ರಗಳು ಮಾತನಾಡುವುದಿಲ್ಲ, ಹಾಡುವುದಿಲ್ಲ, ಕುಣಿಯುವುದಿಲ್ಲ. ಆದರೆ ಅವು ಮಾಡುವ ಕೆಲಸ ಮಾತ್ರ ಅಸಾಧಾರಣವಾದುದು.

Submitted with a revised abstract as per orders.

10.8.01.

1) Stamp sufficient

2) In time

No order was made by Govt. in the order dismissing the suit, and it is not clear of that point. Hence now we give out Govt. regards the lands, the petitioner says the Dy Comr has ordered resumption of them

27/8/01

R. 27/8/01.
499

As the suit has been dealt with as a Council case first it for hearing

3.12.1901.

C.C. 17.12.1901

Subd to 2nd Bx
10/10/01

Subd to 2nd Bx
6/12/01

Read Reply of 21-10-01

Read 6.12.1901.

R: 10/12/01

1900-1901

No. 2829 A No 27 of 01-02.

Name of Petitioner Seenappa of

Village Hegondahally

Taluk Hoskote

District Bangalore

Date of Arzi 21.9.01

Date of Receipt 20-9-01

Date of Disposal

No. of Enclosure two.

ABSTRACT

With reference to Govt Endt No 1755 dated 21.2.00 (in A.S. No 830 of 97-98), dismissing his Rev appeal on the ground that the proceedings of both the lower courts had been declared void, the petr submits that the Dy Comr had, before the final disposal of his appeal to Govt, executed his order whereby the Shanbhogi Service Inam lands of Haramalu in the poy

MGCPE—28-3-01—3,000.

-session

session of the petr
for 20 years, and the
court cost of Rs 73 and
odd were handed
over to the counter petr
in spite of the petr's
request to keep the
execution in abeyance
pending disposal of
his appeal before Govt;
that as the orders of
both the lower courts
were declared void
by Govt, he had prayed
for restoration to him
of the Service Inam lands
and also for refund
of the court costs recovered
from him; that the
Amildar informed him
in reply that orders had
been issued to make
over the lands to the
petr's possession but
that the decree amount
could not be recovered
from the counter petr
and paid back to the
petr as no orders had

been received from the Dy Collr in the matter that on his representation to the Dy. Collr subsequently he has been given credit vide no 5768 dated 3.6.01 to the effect that rules did not permit issue of orders to the counter petitioner to pay back the decree amount to the petitioner summarily, as the amount was paid in before the cancellation of the order decree.

Petr prays for issue of orders to the Dy Collr to make over the lands to the petr as well as to have the decree amount refunded to the petr after recovery from the counter petr

10.8.01

Ereviewed abstract put up as per orders

Box
To Pat Branch
20/6/01

MYSORE GOVERNMENT SECRETARIAT
RECD. ON 25 JUN 1901
DATE 20-6-1901

Refer
2-4-98

1755-9 — No 8786 / 1167 — 5-3-98.

Mr2
2/4/98 Dept-put up CR 127-97-1

AK
9/4/98 Subd

Cant Comr's judgment & decree in proceedings in connection with petn no 1753

Mr
4.4.98.

The Cant Comr refers to a Govt order of 1890 passed on the appeal of Sipahi (respondent)

Ref cds

Mr 14/4/98

AK
15/4/98

Genl: Rds:

Please put up the order of 9-3-98 as above agreed to by the Cant Comr

AK
15/4/98

Gen Records:-

Please see no Petn no 2174 of 1895-96 from Channigana Veerappa

AK
15-4-98.

Mr
15/4/98

Subd

Mr
8/4/98 Open file to issue

8/4/98

1

1898

23

No. 2485

Name of Petitioner Seenappa

Village Anugondanahalli

Taluk Hoskote

District Bangalore

Date of Arzi 4-4-98

Date of Receipt 4-4-98

Date of Disposal

No. of Enclosure one

ABSTRACT

Appellant Seenappa & Anugondanahally — Respondent Ayyanda Gopa Naiga.

A petn, reference to the appeal petition against the decision of the dep: comm:r of Bangalore in Revenue Appeal Nos: 5 & 6 of 1897-98 the petitioner submits for perusal of Govt: Copy of lower Court order &c in O.S. No: 4 of 94-95 received by him from the dep: Comm:r — The petitioner states that he has also filed

the copy of the decree 12 -
Prays for an early dismissal
of this appeal
CR
5/4/98

13. Pet 220 12

12-9-98

MYSORE DEWAN'S OFFICE.

PETITION DEPARTMENT.

LR 127-97-2

OFFICIAL MEMORANDUM.

The accompanying Appeal Petitions Registered Nos 1755 dated 7-5-98 and 2485 dated 4-4-98 received at the Dewan's Office from Seenappa of Thugondanahally in the Hoskote Taluk appealing against the judgment and decree of the Deputy Commissioner Bangalore Dt regarding the Service Inam lands attached to the Shanbhogi of Haramavadi village in the Bangalore Taluk are forwarded, together with their four enclosures to the Deputy Commissioner of the Bangalore District for submission of the entire proceedings connected with the case.

2. The petitions with their enclosures should be returned.

By order,

C 12 3.9.98

Chief Secretary.

BANGALORE,

12/9/1898

8.9.98

M.G.C.P.B.—25-4-95—1,000

All records for posting

L 15/10/98

L2 127-97-3

REVENUE DEPARTMENT
Gl. No. 2544
OCT 13 1898
DEWAN'S OFFICE

1898-99.

From The Dy Commissioner
Bangalore Distnct

To The Secretary to the Govt.
of Mysore.
Genl & Rev Departments.

Dated 10th October 1898
Despatched 11th —do—
Received

General No.
D No. 434
Enclosure No. 1 file

Secy's Memo No. Rev 2201 dtd
12th September 1898.

Submits the entire proceedings connected with the case regarding the Service Inam lands attached to the Shanbhogi of Yoranamu Agura village in the Bangalore Taluk.

Peter
12. Aug

Recd 13/10 Rep Putaya
AK 14/10/98

Lr. No. 434

Sec. Office

To,

Bangalore District
Dy. Commissioner's Office
Bangalore 10th October 1898.

The Secretary
to the Government of Mysore
General and Revenue Departments.

Sir,

As called for in your memo. No. Rev. 220 of the 12th Ultimo, I have the honor to submit herewith the entire proceedings connected with the case regarding the service Inam lands attached to the Thandigi of Koramangala, Agara village in the Bangalore Taluk. The petition with its enclosures is herewith returned.

I have the honor to be
Sir
Your most obedient servant

[illegible]

Dy. Commissioner,
Bangalore District.

Rec'd

La 127-97-4

16

From

1897.

26

To The Dy Commr,
Bangalore Dt.

Dated 6th July 1897.

Despatched 6th July 1897.

Received

General No. 150 P.
No. X3

Enclosure No.

His docket No. 4348/18/5/98 ...

...submitting the records connected with the case regarding the service Inam land attached to the Shanbhog's office Hosamaree Agaram village Bangalore Taluk.

With reference to the above cited, I have the honour to state that the Dy. Commr will be so good as to forward at an early date to this office the records connected with the dismissal of Venkatanarasappa, the father of Gopalaiya the present Shanbhog of the above village, about the year 1879, together with the papers relating

the appointment of Mayordomo in 1879, the appointment in 1892 Lenapia, and the present Shaikhs, of Lopalaja, to the Shaikhship of the above village.

By Order

For Secretary

Draft
Bbr
6/7/99.

To Criminal Clerk

18 (27) 1899.

No. 45.

Name of Petitioner Seenappa.

Village Anagondanhalli.

Taluk Hoskote

District Bangalore

Date of Arst 5-7-99

Date of Receipt 6-7-99

Date of Disposal

No. of Enclosure Two.

This file was subd to 1st Committee yesterday 12/7-97-5

Blue

8/7

Rec'd 10.7.99 1st Committee

Subd 12/7/99

10.7.99

11717

Vide my letter

the matter

the other

12/7/99

13-7-99

ABSTRACT

States that he has enclosed copies of two decisions in two separate cases which his advocate failed to bring to the notice of the Committee at the time of the hearing of ~~this~~ his case on 3-7-99 prays that they may be perused and justice done to him

(The two copies of decisions are in English)

8m
7/7/99

MYSORE JUDICIAL OFFICE.
PETITION DEPARTMENT.
REG'D No. 451
DATE

Letter No 2223 of 21-12-1888

Letter No 2223 of 21-12-1888
Petition of Lachmipathia late
Patel of Kukkanahalli
Kuladeya Talluk
Chennaya District.

Petitioner was dismissed in
1865 under Section 10 of
Regulation II of 1827 and
Regulation VII of 1862
Section 2 and 3 and
sheriff duly served
upon him. The
Commissioner in
1868, and the Assistant
was ordered in a Stranka
Naick Bailakka in 1869
the Dasa land attached
to the Patel was made over
to him. At the Inquiry
petitioner admitted
that the Commissioner
decided to restore him
to it in the face of the Chief
Commissioner's explicit order
to the Contrary. Petitioner
filed Documents to show
the Assistant -

(2) Petitioner presented
a petition to the Governor
in December 1888 repeating
that the cause of

restored to its Actl, the
Inam lands attached to the,
Devi Temple be kept in his
Suspension, the Assessment
levied made payable to the
Devi holder.

The petitioner's counsel
that Vaikakka has no legal
title to the Patelis & to
the lands & that there will
be no hardship in restoring
the family "Komble"
lands to the petitioner. Vide a
decision.

In fact Cases it may be
desirable to cancel the
Inam tenure & leave the
disputed matter in respect of
the Patelis lands in dispute
Assessed, but in the
present Case, the Govt
Consider it inexpedient
to cancel the Vaikakar ont.
lands on his suspension
for ten 10 years. To do so
would be Case contrary to the
Rules in force now 20 years
old, Countenanced by
by the Govt.

5 The Petition is rejected.

No 9945- B 232 dt 24-12-92

Copy forwarded to the
A.V. Collector Palmanadu
District with the
Compts - -

(28) 22.

LR 127-97-6

(345)

No. 2432
Ft. 7-1m & I.T.S.
19

To

The Registrar of the
Civil Courts, Mysore

Sir,

I am directed to forward, under sec^n 226 of the L.R. Code, a statement of the questions on which the Govt desire to have the decision of the Civil Courts.

2. The records of the Lower Courts are also herewith transmitted.

I have &c
by
for Secy

Sup^d by 1st comm^tt
by 12/9/00

Issued
13.12.00.

42-7m
12/9

11
1469
by 15/12/00

(General Serial No. 30.)

Filed
9811
10.11.00

CR 127-97-7

(28)

22. 189 1900-1

From The Registrar of the Chief Court, Jammu

To The Secretary to the Government of India

Dated 6th Nov. 1900

Despatched

Received 8 Nov 1900

Enclosures No. Letter + note read

General No. 3170

No. 90

I forward for the opinion of the Judges of this Court in Civil Reference No. 1 of 1900-1

Sent to the 1st Commissioner
Jus
12/11/00

R2 & Rn.
13.XI.00.

The result of this will be that Government will have to be enjoined from issuing any order what

Filed
Pet V
7.11.00
R2 8/11/00

Filed Pet & Answer

16241

Recorded & Sent 16/11/00

17.1.01

R2 7.1.1900 relating to the case is put up.

But the records said to be returned with this are not received

All
8/11/00

please inquire & let them know. Jus.
12/11/00.

To Rev. Branch for Revd Comptroller.

All

No. 3070/90 Jud: 1 & Revenue

Bangalore, 6th November 1900.

From

The Registrar of the Chief Court of Mysore.

To

The Secretary to the Government of Mysore,
General and Revenue Departments.

Sir,

With reference to your letter No.2432/PF 7-1900 dated the 17th September 1900, I have the honor to forward herewith copy of the opinions of the Judges of this Court in Civil Referred Case No.1 of 1900-01.

The records received with the above are herewith returned.

I have the honor to be,

Sir,

Your Most Obedient Servant;

REGISTRAR.

The Supreme Court of Nunavut at Baffin
Friday the 2nd day of November 1900

Present

The Honourable Mr. Justice W. Best, Chief Judge,
The Honourable Mr. Justice A. Mandamin-Dan Deputy
Baffin,
and
The Honourable Mr. Justice C. Stanton-Du Judge.

Reported as [illegible] 1900.01
from the Government of Nunavut
Appeal No. 88 of 1900.08.

Counsel - Appellant - (Mr. Dent)

Respondent - Government (Mr. Smith)

This case coming on for hearing
on Monday the 2nd day of October 1900.
Upon hearing the case as stated by
the Government, the Court pronounced
the following

Opinion

The Chief Justice. The first question in
order for us to decide within the
purview of section 22 (2) of the
Land Regulations Code and under

Boundaries of the Land claim - The
description of each in accordance to
the principle plan of Lode or
local rule Date of discovery of
discovery - Character of
ore first developed Extent of
claim (s) Names of Locators
Amount of labor performed
on the ground -

Mill privilege - Mountain - Lode -
Location of Claim (s) of the
Alpine Land Mining Co's claim

of any, in interpose the Counsel for the respective parties hereto at the trial of this action by the Defendants Counsel to declare whether or not the Court is sitting in Equity

Dated 1892.-

I am of opinion that the Defendants are entitled to have the jurisdiction of this Court in the above referred to, under the 6th Order of the Statutes of Canada 221 of the Revised Statutes Canada - For since the Act referred to as the 6th Section of the above Act, or to any other Legislative Act of the Dominion Court gives exclusive jurisdiction in the premises, it is unnecessary to consider the 2nd Question.-

---

Memorandum of Consultation between Counsel

The hearing of which the parties, their Counsel and the Defendants' Counsel attended

Specialty of the Clause, relating to "Claims not received by any minor Caused by Accidental Personal Office or Service"

Same opinion that the answer to the above question must be in the negative -

We don't believe the Plaintiff's Claim to be entitled, on the Policy's Surrender, to the Difference of his Premiums & the Additional Premium to the Total Disability Benefit & the Total Disability Benefit - Since the Plaintiff's Total Disablement - and that the Defendants Acceptance of the Premiums of Plaintiff's Total Disablement "Accidental" - Did admit Liability, but that the Defendants Refusal to pay, Entitles the Plaintiff, Total Disability -

in respect of an injury caused by
accident from the use of Land"
of a similar nature or kind
as included from the jurisdiction
of the Civil Courts.

Reading the Statement,
submitted, by the Case, the Plaintiff
later now in possession of the
Service Main Land, as Plaintiff
Was the was dismissed from the
Office, the Defendant was appointed
Storekeeper and now pursuing for
Recovery of the Service Main Land-
Case the Plaintiff Petitioning
to the Government, the Government
Requested Plaintiff resign to the
Office and Was Case Storekeeper in
1922 - the Defendant, through the
Record to Standing, Petitioner
to Note the Possession of the Service
Main Land to Plaintiff -

If the Service Main Land
attached to the Office of Plaintiff

Lessee with the Office, and if the
Lessee during the Continuance of this
Lease shall be desirous of Surrendering
the Premises, or Surrendering the
Term thereby, then and in either of the
Cases said.-

That case it shall be lawful
for the said Plaintiff, his Agents or
Attorneys into the Premises in the
Name of the whole - And
case the Defendant shall not
to depart from Premises! Whereas
the Defendant afterwards to wit
Standing Office - Whereupon the
Plaintiff saith that the Standing
Office, the Lessee entered to the Land -
The Notice of the Lessee Sarah Land
by the Defendant Lessee aforesaid
Assigned the Premises from the date
the Plaintiff Lessee the Standing -
The Lessee Plaintiff saith that
Land by Defendant in the Premises
to Plaintiff.

"the privilege claim in this respect of an injury caused by the negligent operation of a motor car by the Police - the extension of liability to the Police & Municipality in case of injury that may be caused by accident, or that in respect of which the Complainant

I would therefore answer the first question in the affirmative, that is, that the action is maintainable under proviso (a) to Section 22 (1) and must succeed. The Claim in respect of an injury caused by negligent driving of a motor car by a servant of the Police is not excluded from the operation of Section 22 (1) (a) of the Police Act."

Attorney for Respondent

Registrar

(30) AR 127-97-8

Before the Government of Mysore.

Present: Raja Sharma Sravirar Chettiar Esqr CIE.
J. R. A. Thumboo Esqr CIE.
G. N. Krishnamurti Esqr CIE.

Appeal No. 82 of 1897-98.

Subd to the 1st Court for rejection of the R.O.T. 13/2/01. 13/2/01.

Appellant.	Vs.	Respondent.
Seenappa (original Defts)		Gopaliah (original Plff.)

The facts of the case are briefly these.

1) Gangadharappa (grand father of the Plaintiff) and Sinappa, a cousin of Gangadharappa, were joint hukdars to the Shanbhogi office of Hanumanna agrahara village, Bangalore Dt, the former being the officiator. In 1861 Gangadharappa was dismissed and Sinappa appointed in his stead. In 1866 Sinappa was also dismissed on being convicted of embezzlement and one Venkatanaranappa a member of the hukdar family and son in law of Gangadharappa was appointed as Shanbhog. In 1869 the said Venkatanaranappa was convicted of embezzlement and dismissed the service, and the defendant Sinappa was, by the Dy Comrs order dated 31-7-79, appointed to the Shanbhogi office. In virtue of the Dy Comrs order the said Sinappa

appears to have been put in possession of the Service Inam lands attached to the Shanbhogi. The exact date is not clear, but the pahani of the year 1879-80, standing in the defendant's name shows that the lands must have come into his possession not later than 31st March 1880.

2.) On the appeal of Venkatanarayanappa and afterwards his son Gopaliah (Plff), the Court in their decision dated 10-12-1890, ordered that the Plaintiff should be registered as Inamdar Shanbhog, but should be put in possession of the office only on the death of his father. Nothing was said in the decision regarding the Service Inam lands attached to the office. The Plff became the officiator Shanbhog in 1892 when his father died. The defendant who vacated the office refused to make over the Service Inam lands to the Plff. who on complaining of it to the Dy Comr, was referred to a regular suit.

3) In September 1894 the Plff brought a Rev. Suit before the Asst Comr, for the recovery of the Service Inam lands and of the monies profits realised for the 2 years from 1892. The defendant pleaded (1) that the Rev courts had no jurisdiction in the matter as the lands had been fully assessed and

(ii). that the suit was not barred as he had been in the possession thereof for 16 years and that (iii) his possession could not be interfered with under Rule 28 of the Patgi Rules being himself a hereditary. The Lgl. Asst. Comrs held that, as the mere fact that full assessment was levied on the lands did not amount to an enfranchisement, claims regarding such were cognizable only by the Revenue courts and that, as the possession was not adverse, the suit was not barred. He further found that the plaintiffs possessed 3/4 the share in the Shambhogi kulk and decreed 3/4 of the Service Inam lands to the Plffs.

Both the parties appealed to the Dy Comrs, when (Mr. Venkat-Varadiengar) who held that the lands belong to

to the office holder for the time being and that the defendant's title to the lands was extinguished along with his dispossession from office; and decreed the entire service Inam lands to the Plaintiff.

4). The defendant-Sinappa having appealed to Govt against the said order, the parties were heard on 3rd July 1879 and the following questions were referred, under Section 226 of the Land Rev. Code, for the decision of the chief courts. (1). Is the suit-in this case cognizable by Rev. Courts? or in other words does the suit-fall within the purview of Section 221(c) of the Land Revenue Code and more especially of the clause relating to "Claims in respect of any injury caused

caused by exclusion
from hereditary office
or service". ? (2). If the
above question is answered
in the affirmative, is the
defendant entitled to
retain the suit-land under
Rule 28 of the Polgi Rules ?
and (3) Is the suit barred
by reason of the defen-
dant's possession of the
land for more than 12
years and apart from
the operations of Rule 28
of the Polgi Rules. ?

5). The chief court have
held that the question (1)
should be answered in the
negative, that the suit
does not fall under section
221 (a) of the Land Rev. code,
that it is not excluded
from the jurisdiction of the
civil courts; and that
the findings on the 2nd
and 3rd questions are
therefore unnecessary

Judgement & Decision.

The result of the opinion given by the Civil Court is that the civil courts are not debarred from taking cognizance of suits similar to the present one. The present appeal preferred by the applicant is therefore dismissed as the powers of the two Civil Courts mentioned supra have been invoked. It is open to the parties to seek redress in by means of a civil suit.

Jus.

for secy.

13/2/07.

(To be printed) (1221)

Draft copy submitted Dy 6/13 Revd 2/2/07

No. 6555-13 Dated 15-2-1907

copy forwarded to the Dy. Comr., Bangalore Dt. with the entire records received with his No. 434 dated 10.10.1898.

2). Dy. Comr's letter Dt.

Submit with Dewan Approved Minute

18.2.07

Dewan 18/2/07

Secy 19/2/07

Approved. Issue Order to file appeal as compromised under Rules.

20/2/1907

16/C

Enter date on the Petition by whom presented and date of receipt

20/2/1907

1900-1901

GOVERNMENT OF MYSORE

PETITION

PROCEEDINGS

Dated 25th February 1901

No. 6506-13 / Pet. F. 7-1900

Dismissing the appeal of Sinappa *versus* Gopalaiya of Horamavu Agaram village, Bangalore taluk, regarding the possession of service inam lands attached to the shanbhogi office of the village; and allowing the parties to seek redress by means of a civil suit.

SBP—22-3-1901—200

BEFORE THE GOVERNMENT OF MYSORE.

PRESENT:

RAJADHARMA PRAVINA T. R. A. THUMBOO CHETTIAR, ESQ., C. I. E.,

AND

P. N. KRISHNAMURTI, ESQ., C. I. E.

REAL No. 83 OF 1897-98.

Appellant	*Versus*	*Respondent*
Sinappa (original defendant).		Gopalaiya (original plaintiff).

The facts of the case are briefly these :—

Gangadharappa (grandfather of the plaintiff) and Surappa, a cousin of Gangadharappa, were joint hakdars to the shanbhogi office of Horamavu Agaram village, Bangalore taluk, the former being the officiator. In 1831, Gangadharappa was dismissed and Surappa appointed in his stead. In 1866, Surappa was also dismissed on being convicted of embezzlement and one Venkatanarnappa, a member of the hakdar family and son-in-law of Gangadharappa was appointed as shanbhog. In 1879, the said Venkatanarnappa was convicted of embezzlement and dismissed the service and the defendant Sinappa was by the Deputy Commissioner's order dated 31st July 1879 appointed to the shanbhogi office. In virtue of the Deputy Commissioner's order, the said Sinappa appears to have been put in possession of the service inam lands attached to the shanbhogi. The exact date is not clear, but the fact of the patta of the year 1879-80 standing in the defendant's name shows that the lands must have come into his possession not later than 31st March 1880.

2. On the appeal of Venkatanarnappa and afterwards of his son Gopalaiya (plaintiff), the Government in their decision dated 15th December 1890, ordered that the plaintiff should be registered as hakdar-shanbhog, but should be put in possession of the office only on the death of his father. Nothing was said in the decision regarding the service inam lands attached to the office. The plaintiff became the officiator shanbhog in 1892 when his father died. The defendant who vacated the office refused to make over the service inam lands to the plaintiff, who on complaining of it to the Deputy Commissioner, was referred to a regular suit.

3. In September 1894, the plaintiff brought a revenue suit before the General Assistant Commissioner for the recovery of the service inam lands and of the *mesne* profits for the two years from 1892. The defendant pleaded amongst others—(i) that the Revenue Courts had no jurisdiction in this matter, as the lands had been fully assessed, (ii) that the suit was barred, as he had been in possession thereof for 16 years, and (iii) that his possession could not be interfered with under Rule 28 of the Potgi Rules, being himself a hissedar. The General Assistant Commissioner held that, as the mere fact that full assessment was levied on the lands did not amount to enfranchisement, claims regarding such were cognizable only by the Revenue Courts and that, as the possession was not adverse, the suit was not barred. He further found that the plaintiff possessed three-fourths of share in the shanbhogi hak and decreed three-fourths of the service inam lands to the plaintiff. Both the parties appealed to the Deputy Commissioner (Mr. Venkatavaradaiengar), who held that the lands belong to the office holder for the time being and that the defendant's title to the lands was extinguished along with his dispossession from office, and decreed the entire Service Inam lands to the plaintiff.

4. The defendant Sinappa having appealed to Government, against the said order, the parties were heard on 3rd July 1899, and the following questions were referred, under Section 226 of the Land Revenue Code, for the decision of the Chief Court: (1) Is the suit in this case cognizable by Revenue Courts? or in other words, does the suit fall within the purview of Section 221 (*a*) of the Land Revenue Code and more especially of the clause relating to "claims in respect of any injury caused by exclusion from hereditary office or service?" (2) If the above question is answered in the affirmative, is the defendant entitled to retain the suit land under Rule 28 of the Potgi Rules? and (3) Is the suit barred by reason of the defendant's possession of the land for more than 12 years and apart from the operations of Rule 28 of the Potgi Rules?

5. The Chief Court have held that question (1) should be answered in the negative, that the suit does not fall under Section 221 (*a*) of the Land Revenue Code; that it is not excluded from the jurisdiction of the Civil Courts and that the findings on the 2nd and 3rd questions are therefore unnecessary.

Petition, dated 25th February 1901.

Decision.

The result of the opinion given by the Chief Court is that the Civil Courts are not debarred from taking cognizance of suits similar to the present one. The Revenue appeal preferred by the appellant is therefore dismissed as the proceedings of the two lower Revenue Courts have become void. It is open to the parties to seek redress by means of a civil suit.

No. 6506-13—PET. F. 7-1900, DATED BANGALORE, 25TH FEBRUARY 1901.

Copy forwarded to the Deputy Commissioner, Bangalore district, with the entire records received with his No. 434, dated 10th October 1898.

2. Copy forwarded to the Deputy Commissioners of other districts.

C. SREENIVASIENGAR,
Secy. to Govt., Gen. & Rev. Depts.

Exd.—C.V.

38

29

HR 127-97-9

40 (32)

Before the Court fully sone

Present

V. P. Madhavarao Esqr. C.E.

and

C. Seemiraziyar Esqr.

Appeal No 27 of 1900-901

Appt Seemappa — Respt Gopalaiya

Subject.

Claim for the refund of Rs 13 odd being the Court fees paid by Gopalaiya the Respt under a decree of the Deputy Commr Bangalore Dist which Court subsequently declared to be void in their decision No 650 of 13 D. 27-1900 & 25-2-01.

Facts of the case.

On 25th February 1901, the Court dismissed an appeal brought by Seemappa the appt against the Dy Commrs decree directing that Gopalaiya (the respt) be put in possession of the Service Inam lands attached to the Shanbhogi office Yelahanka, Bangalore and declared

Rest for appt.

Supt & 1st Comrs

20/12/01.

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Appt

20/12/01

Dgsd

Print

Dgsd 19/12/01

Read for respt.

Recd copy 18/1

18/1/02

the proceedings of the land
Lower Revenue Courts
to be void. Before ~~that~~ this
decision was passed, the
Dy Commr had executed
his decree by making over
to the respondent the service
inam lands and recovering for him
from the appt the Court
costs incurred by Gopalayya
~~the respondent~~. The appt
requested the Dy Commr
on the passing of the Govt
decision, that the service
inam lands might be
restored to him and that
the Court costs might be
refunded to him. The Dy
Commr directed that the
lands might be restored
but declined to pass an
order for refund of Court
costs. Hence this appeal.

Decision

The appellant is entitled
to get back the costs also.
Appeal allowed.

by 1349 & 15-1-02
P.87

Copy of the above

42

is forwarded to the
Dy Commr Bengalore.
Dist

Draft

Secretary

in

Proceedings of the Government of Mysore, Petition, dated 15th January 1902.

BEFORE THE GOVERNMENT OF MYSORE

PRESENT.

V. P. MADHAVA RAO, ESQ., C. I. E.

AND

C. SREENIVASIENGAR, ESQ.

Appeal No. 29 of 1900-01.

Appellant	*Versus*	Respondent
Sinappa.		Gopalaiya.

Subject

Claim for the refund of Rs. 73 odd, being the Court costs paid by the appellant to Gopalaiya, the respondent, under a decree of the Deputy Commissioner, Bangalore District, which Government subsequently declared to be void in their Decision No. 6506-13—Pet. F. 7-1900, dated 25th February 1901.

Facts of the case.

On 25th February 1901, the Government dismissed an appeal brought by Sinappa, the appellant, against the Deputy Commissioner's decree, directing that Gopalaiya (the respondent) be put in possession of the service inam lands attached to the shanbhogi office of Horamavu, Bangalore Taluk, and declared the proceedings of the two lower Revenue Courts to be void. Before this decision was passed the Deputy Commissioner had executed his decree by making over to the respondent the service inam lands and recovering for him, from the appellant, and paying him the Court costs incurred by Gopalaiya. The appellant requested the Deputy Commissioner on the passing of the Government decision, that the service inam lands might be restored to him and that the Court costs might be refunded to him. The Deputy Commissioner directed that the lands might be restored but declined to pass an order for refund of Court costs. Hence this appeal.

Decision.

The appellant is entitled to get back the costs also. Appeal allowed.

No. 1344—P. F. 7-00, DATED BANGALORE, 15TH JANUARY 1902.

Copy of the above is forwarded to the Deputy Commissioner, Bangalore District.

H. V. NANJUNDAYYA,
Secy. to Govt., Gen. & Rev. Depts.

Exd—G.S.

44

1901-1902

GOVERNMENT OF MYSORE

PETITION

PROCEEDINGS

Dated 15th January 1902

No. 1344
P. F. 7-00

Holding that appellant Sinappa is entitled to get back the Court costs paid by him to Gopalaiya (respondent) under a decree of the Deputy Commissioner, Bangalore District, subsequently declared by Government to be void.

SBP—28-1-02—200

(31)

LA 127-97-11

P.T.O

For Secretary

By Order,

Off

Secretary.